

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

MAY 6, 2014

Be it remembered that the regular meeting of the Tupelo City Council was held in the Council Chambers at City Hall Building on Tuesday, May 6, 2014, at 6:00 p.m. with the following in attendance: Council Members Markel Whittington, Lynn Bryan, Jim Newell, Nettie Y. Davis, Buddy Palmer, Mike Bryan and Willie Jennings; City Attorney Ben Logan; and Glenda Muse, Clerk of the Council.

The invocation was led by Rev. Chad Grayson, Pastor of First Baptist Church, followed by the Pledge of Allegiance led by Boy Scouts of Troop 85, sponsored by All Saints Episcopal Church.

IN THE MATTER OF CALLING THE MEETING TO ORDER

President Davis called the regular meeting to order at 6:00 p.m.

**IN THE MATTER OF CONFIRMATION OR
AMENDMENT OF AGENDA AND AGENDA ORDER**

Upon a motion by Councilman M. Bryan, seconded by Councilman Palmer, the council voted unanimously to confirm the agenda and agenda order, amended as follows:

- ADD: #7.12 Review/Approve Resolution in Regard to
Loan Agreement with Three Rivers
Planning and Development District
- ADD: #7.13 Review/Approve Resolution Ratifying
Proclamation of Local Emergency,
Request to Governor and Executive Orders
- ADD: #7.14 Review/Approve Recommendation for
Services for Debris Removal Contractor
- ADD: #7.15 Review/Approve Recommended Services
For Disaster Recovery Management and
Monitoring Services

4. PROCLAMATIONS, RECOGNITIONS AND REPORTS AGENDA

IN THE MATTER OF RECOGNITION OF BOY/GIRL SCOUTS

Members of Boy Scout Troop #85 sponsored by All Saints Episcopal Church had earlier led the Pledge of Allegiance. Scouts present, together with two Scouts Leaders, included A. P. McDade, Carter McCauly, Alex Wilson, Bryant Castles, Kevin Griffin, Solomon Smith, Thomas Tate and Rison Franks.

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IN THE MATTER OF RECOGNITION OF CITY EMPLOYEES

No city employees were present for recognition.

IN THE MATTER OF PUBLIC RECOGNITIONS

Three council members, Willie Jennings, Jim Newell and President Nettie Davis expressed their thanks and appreciation to the various Department Heads, City Employees and citizen volunteers who had pitched in last week following the devastating F-3 tornado that hit Tupelo about the middle of the afternoon on Monday, April 28, 2014. Praise was given especially to Mayor Jason Shelton who, as Councilman Newell stated, had worked 24/7 since the disaster to try to restore order and assist affected families in the path of the storm. President Davis stated the “Tupelo Spirit” had been exemplified 100% by the response of so many.

IN THE MATTER OF MAYOR’S REPORT

In response to comments from Council Members, Mayor Shelton stated he appreciated the kind comments but said the credit goes to the Department Heads and the City of Tupelo who responded so quickly to the disaster. The Governor and Lt. Governor, also, offered a quick response as did President Obama who acted very promptly to declare a Federal disaster area, which he said was an absolute blessing to the city. Mayor said this would be a very slow and lengthy process of recovery but felt that Tupelo would come back stronger than ever before. He cautioned citizens to begin preparing for a three-five year time span. He said the city, community and county are going to work together to face this ordeal. The American Red Cross, Salvation Army and the United Way are in place to help but citizens must not wait for help to come to them...they must be proactive and reach out if they are in need.

The Mayor next addressed the issue of the contracts for both monitoring and debris removal. Contractors had submitted proposals late in the day, leaving insufficient time for them to be reviewed and selections made. He recommended that the City Council table these two issues on the agenda. He reviewed the two items in detail and requested the City Council allow additional time for presentations to be made due to the magnitude of the project.

Mayor Shelton next referred to the item on the Study Agenda regarding amending the Alcoholic Beverage Ordinance and requested that it be moved from the Study Agenda and action be taken on the matter at this meeting.

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Lastly, Mayor Shelton informed the City Council that the Governor of the State had ordered a Special Session of the Legislature for Thursday, May 8, at 1:00 p.m. He said he felt it wise for Tupelo to have a presence there; that he was going to attend; and invited others to attend as well.

(President Davis then closed the regular meeting and opened the Public Agenda.)

5. PUBLIC AGENDA

5.1 PUBLIC HEARINGS

5.1.A Demolition of Properties

No one appeared to address these properties.

5.1.B Development Code Amendments

No one appeared to address this issue.

5.2 CITIZENS' HEARINGS

5.1.A Subject: Human Resources

Rev. Chris Traylor, President of the Local NAACP, addressed the issue of inequity in salaries of City of Tupelo Department Heads, especially that the salary of the Director of Human Resources is less than any other Department Head.

(President Davis closed the Public Agenda and the City Council returned to regular session.)

6. ACTION AGENDA

No items were listed under Action Agenda.

7. ROUTINE AGENDA

IN THE MATTER OF REVIEW/APPROVE MINUTES OF CITY COUNCIL MEETINGS

Upon a motion by Councilman Jennings and a second by Councilman Palmer, the council voted unanimously to approve the minutes of the regular City Council meeting of April 15, 2014, and the minutes of a special called meeting of April 8, 2014.

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IN THE MATTER OF REVIEW/PAY BILLS

Upon a motion by Councilman Newell and a second by Councilman Whittington, the council voted unanimously to approve payment of the following checks, bills having been reviewed at 4:30 p.m. by Council Members Whittington, L. Bryan, Newell, Davis, and Palmer:

Check Nos. 119925 through 120389 (Pool Cash Fund)
Electronic transfers as shown on the face of the docket.
Invoices as shown on the face of the docket.
Requests made by AFLAC to reimburse employees under Flex-One
Plan as shown on the face of the docket.

IN THE MATTER OF REVIEW/APPROVE CLOSING OF BANK ACCOUNT

CFO Kim Hanna had submitted a request to the City Council for approval to close Tax Collector Account #890-017-5851 at Trustmark Bank. Historically, the Tax Collector Bank Account was used as a holding account until tax money was settled. Now that the money is settled as it comes in, there is no longer a need for a holding account.

Upon a motion by Councilman L. Bryan and a second by Councilman Jennings, the council voted unanimously to grant the request to close Account #890-017-5851 at Trustmark Bank.

IN THE MATTER OF REVIEW/APPROVE EXTENSION OF AUDIT CONTRACT FOR 2014 ELECTRIC AUDIT

Upon a motion by Councilman Newell, seconded by Councilman M. Bryan, the council voted unanimously to approve extension of audit contract with the firm of Franks, Franks, Jarrell and Wilemon to provide services for the City of Tupelo-Electric Department for the year ended June 30, 2014. An executed copy of the engagement letter setting forth all conditions of the agreement is attached to these minutes and incorporated herein as **APPENDIX A.**

IN THE MATTER OF REVIEW/APPROVE LIST OF FIXED ASSETS TO BE DECLARED AS SURPLUS AND REMOVED FROM FIXED ASSETS RECORDS

CFO Kim Hanna had presented a memorandum dated May 6, 2014, to the City Council for approval to declare certain fixed assets as surplus and to allow them to be removed from the fixed assets records. Upon a motion by Councilman Whittington,

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seconded by Councilman L. Bryan, the council voted unanimously to approve this request to surplus these fixed assets and remove them from the fixed assets records. Exhibit A contains items in useable condition; however, the items no longer meet the threshold requirement for an item to be traced as a serialized fixed asset in the accounting records. Exhibit B, attached, is a list of items that were sold at auction in March 2014 that were never brought before the council for approval. During a reconciliation after the auction, these items were identified and are being brought before the council at this time. Copies of both lists are attached hereto as **EXHIBIT B.**

IN THE MATTER OF REVIEW/APPROVE DUTY WEAPON OF RETIRING POLICE OFFICER TO BE DECLARED AS SURPLUS AND TURNED OVER TO HIM FOR THE SUM OF \$1.00

Police Chief Bart Aguirre had submitted a request to the Tupelo City Council for approval to surplus Officer Tyrone Ashby's duty weapon and to be permitted to turn the weapon over to Officer Ashby for the sum of \$1.00. Officer Ashby has recently retired from the Tupelo Police Department, and the weapon is a Glock Model 17, 9mm (Serial Number TEB-966).

Upon a motion by Councilman M. Bryan, seconded by Councilman Palmer, the council voted unanimously to surplus said weapon and to turn the same over to Officer Ashby for the sum of \$1.00.

IN THE MATTER OF REVIEW/APPROVE LISTING OF PROPERTIES TO BE DECLARED A HAZARD AND MENACE TO PUBLIC SAFETY AND TO BE DEMOLISHED BY PUBLIC WORKS DEPARTMENT

The Department of Development Services had submitted evidence in the form of petitions against certain named party/parties. Pictures of the properties were included showing their conditions. A public hearing had been conducted earlier in this council meeting with no one appearing to address either property. Properties are located a 601 North Spring Street and 433 Hilda Avenue.

Councilman L. Bryan moved that the properties be declared a hazard and menace to public safety and that they be demolished by the Tupelo Public Works Department. The motion was seconded by Councilman Newell and approved by a unanimous vote of the City Council.

Copies of materials supporting this request of the Department of Development Services are attached hereto and incorporated into these minutes as **APPENDIX C.**

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IN THE MATTER OF REVIEW/ACCEPT MINUTES OF HISTORIC PRESERVATION COMMISSION MEETING

Upon a motion by Councilman Palmer and a second by Councilman Whittington, the council voted unanimously to accept the minutes of the Historic Preservation Commission meeting of March 13, 2014, a copy being attached hereto as **APPENDIX D.**

IN THE MATTER OF REVIEW/ACCEPT MINUTES OF PLANNING COMMITTEE MEETING

Upon a motion by Councilman Whittington, seconded by Councilman M. Bryan, the council voted unanimously to accept the minutes of the Planning Committee meeting of April 7, 2014, as to Item 2 only. The Committee had tabled Item 1 and Item 3 is on tonight's agenda for a Public Hearing as well as listed under Study Agenda for further consideration by the City Council. A copy of the Planning Committee minutes is attached hereto as **APPENDIX E.**

IN THE MATTER OF REVIEW/AWARD/REJECT BIDS FOR TUPELO WATER AND LIGHT DEPARTMENT

Upon a motion by Councilman Newell and a second by Councilman Whittington, the council voted unanimously to award the following bids for the Tupelo Water and Light Department as recommended by Director Johnny Timmons:

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|----------------|--|
| Bid No. 1318WL | Concrete Poles (12-Month Supply Bid)
Low qualified bid submitted by Stresscrete, Inc. |
| Bid No. 1319WL | Wooden Utility Poles (6-Month Supply Bid)
Low qualified bid submitted by T. R. Miller
Company as indicated on the bid tabulation |
| Bid No. 1320WL | Source of Supply (12-Month Supply Bid)
Low qualified bid submitted by Paul Smithey
Construction Company |
| Bid No. 1321WL | Water Meters (6-Month Supply Bid)
Low qualified bid submitted by Mueller
Systems, Inc. |

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| Bid No. 1322WL | Water Materials (6-Month Supply Bid) |
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Low qualified bids as indicated on the bid tabulation with the following explanations:

Item 56 – Faulkner Pipe bid a brand of gate valve that does not have a notched sealing ring groove as required. This machine groove is necessary to provide positive sealing.

Items 115, 116, 117 & 119 – Faulkner Pipe bid an M&H brand of fire hydrant. This fire hydrant does not have a reversible main valve as required in the bid specs.

Bid No. 1323WL Fiber Project (6-Month Supply Bid) to the low qualified bid submitted by BSE/Utilicor

Copy of the complete packages for above bids is attached to these minutes as **APPENDIX F.**

IN THE MATTER OF REVIEW/APPROVE DONATION OF EQUIPMENT

Upon a motion by Councilman Whittington, seconded by Councilman M. Bryan, the council voted unanimously to accept a Donation of Assets from MTD. This company had donated 50 chainsaws to the Tupelo Public Works Department which can be shared among all the city departments. The chainsaws are valued at \$190.00 each and required by the State of Mississippi to be listed as capital assets since they are walkable according to CFO Kim Hanna. Public Works Department is currently checking the chainsaws and tagging each one. A list of these chainsaws which will be added to the City of Tupelo Fixed Assets records is attached to these minutes as **APPENDIX G.**

IN THE MATTER OF REVIEW/APPROVE RESOLUTION IN REGARD TO LOAN AGREEMENT WITH THREE RIVERS PLANNING AND DEVELOPMENT DISTRICT

Upon a motion by Councilman M. Bryan and a second by Councilman Palmer, the council voted unanimously to approve a Resolution Authorizing the Mayor to Enter into a One-Year Interest Free Loan from Three Rivers Planning and Development District, Inc. and Make Draws on Same. An executed copy of this Resolution is attached to these minutes and incorporated herein as **APPENDIX H.**

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By execution of this Resolution, the City of Tupelo authorizes and approves a loan from Three Rivers Planning & Development District, Inc. in the sum of \$1,000,000.00 and that Mayor

Jason Shelton is authorized to sign any and all documents between the City of Tupelo and Three Rivers Planning and Development District, Inc. to secure said funding for the purpose of tornado cleanup and debris removal. The total amount of the loan is \$1,000,000.00 for a period until June 4, 2015, at no interest between the entities. The Resolution, also, pledges the full, faith and credit of said City to re-pay the debt.

The action is taken as a result of an F3 tornado which struck the City of Tupelo on April 28, 2014, causing wide-spread damage to areas of the city, including residences, businesses, public utilities, roadways and public facilities. The City of Tupelo has been declared a disaster area eligible for both Federal and State disaster relief.

**IN THE MATTER OF REVIEW/APPROVE RESOLUTION RATIFYING
PROCLAMATION OF LOCAL EMERGENCY, REQUEST TO GOVERNOR AND
EXECUTIVE ORDERS**

Upon a motion by Councilman M. Bryan and a second by Councilman Jennings, the council voted unanimously to approve a Resolution Ratifying the Proclamation of a Local Emergency and Declaration of Disaster in the City of Tupelo. An executed copy of this Resolution is attached to these minutes and incorporated herein as **APPENDIX I**.

On the afternoon of April 28, 2014, an F3 tornado struck the City of Tupelo, Mississippi, causing wide-spread damage to areas of the city, including residences, businesses, public utilities, roadways and public facilities. The conditions were so extreme that a proclamation was warranted of a local emergency and the declaration of property located within the city limits as a disaster area. Mayor Shelton acted immediately after the impact of the storm to declare that a local emergency existed and declared the City of Tupelo a disaster area, issuing six executive orders. The purpose of this Resolution is to ratify and approve Mayor Shelton's action in declaring a state of emergency and appointing Don Lewis, Chief Operations Officer, as the disaster administrator.

**IN THE MATTER OF REVIEW/APPROVE RECOMMENDATION FOR SERVICES
FOR DEBRIS REMOVAL CONTRACTOR**

**IN THE MATTER OF REVIEW/APPROVE RECOMMENDED SERVICES FOR
DISASTER RECOVERY MANAGEMENT AND MONITORING SERVICES**

Upon a motion by Councilman Whittington, seconded by Councilman Palmer, the
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council voted unanimously to table the above two items.

8. STUDY AGENDA

IN THE MATTER OF REVIEW/DISCUSS REQUEST FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY AND ACCEPTANCE OF PROPERTY

This item will remain on the Study Agenda.

IN THE MATTER OF REVIEW/DISCUSS CONTRACT AND AGREEMENT BETWEEN CITY OF TUPELO AND MISSISSIPPI DEPARTMENT OF TRANSPORTATION (MDOT)

This item will remain on the Study Agenda.

IN THE MATTER OF REVIEW/DISCUSS AMENDMENT OF SMOKING BAN ORDINANCE

This item will remain on the Study Agenda.

IN THE MATTER OF REVIEW/DISCUSS DEVELOPMENT CODE AMENDMENTS

This item will remain on the Study Agenda.

IN THE MATTER OF REVIEW/DISCUSS AMENDMENT OF TUPELO BEER ORDINANCE

Upon a motion by Councilman Newell and a second by Councilman Whittington, the council voted as follows to suspend the rules and move this item up for action at this meeting:

VOTING AYE: Whittington, L. Bryan, Newell, Davis, Palmer
VOTING NAY: M. Bryan, Jennings

Upon a motion by Councilman Newell, seconded by Councilman L. Bryan, the council voted as follows to adopt an Ordinance Amending the Tupelo Beer Ordinance, an executed copy being attached hereto as **APPENDIX J.**

The City of Tupelo finds and determines that it is in the public interest to amend current restriction on the prohibition of the same, distribution, bartering, giving away

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and consumption of light wine and beer during certain extended hours. Sections amended by this amendment include Subsection (d)(2) of Section 5-16 of Article II of Chapter 5; Section 5-19 of Article II of Chapter 5; Section 5-19; and Section 5-24 of Article II of Chapter 5. The remainder of Chapter 5 of the Code of Ordinances is hereby ratified and remains in full force and effect.

Vote on the issue was as follows:

VOTING AYE: Whittington, L. Bryan, Newell, Davis
VOTING NAY: Palmer, M. Bryan, Jennings

9. EXECUTIVE SESSION

IN THE MATTER OF EXECUTIVE SESSION

Upon a motion by Councilman L. Bryan and a second by Councilman Palmer, the council voted unanimously to close the regular meeting to determine the need for an executive session.

Upon a motion by Councilman Newell, seconded by Councilman Palmer, the council voted unanimously to go into executive session to discuss the matter of Industrial Development Project.

Upon a motion by Councilman Jennings, seconded by Councilman L. Bryan, the council voted unanimously to come out of executive session and return to the regular meeting with no action to be taken as a result of the executive session.

IN THE MATTER OF ROUTINE AGENDA ITEMS

COO Don Lewis advised the council that in the interest of time certain actions could be taken regarding the proposals for debris monitoring and management and debris removal and disposal.

Upon a motion by Councilman M. Bryan, seconded by Councilman L. Bryan, the council voted unanimously to remove the following items from the table, said issues having been tabled earlier in this council meeting.

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IN THE MATTER OF REVIEW/APPROVE RECOMMENDATION FOR SERVICES FOR DEBRIS REMOVAL CONTRACTOR

IN THE MATTER OF REVIEW/APPROVE RECOMMENDED SERVICES FOR DISASTER RECOVERY MANAGEMENT AND MONITORING SERVICES

Upon a motion by Councilman Palmer, seconded by Councilman Newell, the council voted unanimously to form a selection committee composed of three members of the City Council together with members of the Administration to select, negotiate and enter into a services contract with a debris removal firm and, also, select, negotiate and enter into a services contract with a management and monitoring firm for the disaster recovery operations.

IN THE MATTER OF ADJOURNMENT

There being no further business to come before the council, upon a motion by Councilman Palmer, seconded by Councilman M. Bryan, the council voted unanimously to adjourn the regular meeting at 7:25 p.m.

ATTEST:

CLERK OF THE COUNCIL

PRESIDENT

APPROVED:

MAYOR